IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1019 (MS) OF 2006

1. Vinod Kumar Kanojia, S/o Sri Jagdish Kumar,
2. Smt. Bimla Devi, W/o Sri Jagdish Kumar,
3. Sri Jagdish Kumar Kanojia, S/o Sri Shyam Lal All R/o 194 Society Area, Gurudwara Colony, Clement Town Dehradun. .....Petitioners.

Versus

1. Civil Judge (Sr. Division), Dehradun.
2. Shri Shyam Lal, S/o late Sri Basant Lal, R/o 194 Society Area, Gurudwara Colony, Clement Town, Dehradun.
3. Shri Om Prakash, S/o Sri Shyam Lal, R/o 193/1 Gurudwara Road, Clement Town, Dehradun.

.....Respondents.

Dated: 03.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri H.M. Bhatia, Advocate for the petitioner and standing counsel for the respondent no. 1.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondent no. 1 to decide the original suit which was earlier registered as Misc. Case No. 77 of 2006 expeditiously.

Originally Suit No. 384 of 2002 was filed by the petitioner/plaintiff as an indigent person. Thereafter, an application was filed in the said suit requesting that the petitioner is unable to pay the court fees and therefore, the suit was entertained as a suit on behalf of Indigent person.

During the pendency of the said application, the order dated 05.10.2005 was passed by this Hon'ble Court for speedy disposal of the case.

Thereafter, the petitioner was directed to deposit the requisite court fees and accordingly petitioner deposited the court fees payable and thereafter the said misc. case was converted as Original Suit No. 77 of 2006 as appears from the order sheet.

The grievance of the petitioner is that although there was an order dated 05.10.2005 for expeditious disposal of the suit within a period of six months, but the same has not yet been disposed of.

However, since the suit has already been converted as an Original Suit, therefore, the Civil Judge (Senior Division), Dehradun is directed to dispose of the Original Suit No. 77 of 2006 within a period of four months from the date of presentation of the certified copy of this order

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

03.08.2006
Rathour